

**PETITION TO REVIVE WITH RESPONSE**  
Atty. Dkt. No. 2003-0104

**REMARKS**

In view of the following discussion, the Applicants submit that none of the claims now pending in the application are anticipated or obvious under the provisions of 35 U.S.C. §§102 and 103. Thus, the Applicants believe that all of these claims are now in allowable form.

**I. REJECTION OF CLAIMS 1-4, 6-9, 12 AND 13 UNDER 35 U.S.C. § 102**

A. Claims 1-4, 6, 12 and 13

The Examiner rejected claims 1-4, 6, 12 and 13 as being anticipated by US Patent Publication 2004/0047287, published on March 11, 2004, hereinafter referred to as "Tremblay." The Applicants respectfully traverse the rejection.

Tremblay teaches a method and apparatus for location dependent software applications. The invention verifies the location of the End User by identifying the location of the Internet Service Provider. (See Tremblay, para. [0051], emphasis added.)

The Examiner's attention is directed to the fact that Tremblay fails to teach or to suggest a method of optimizing network routing and load distribution in a virtual private network comprising obtaining from a user device geographical coordinates of the user device, as positively claimed by Applicants' amended independent claims 1 and 12. Specifically, Applicants' independent claims 1 and 12 recite:

1. A method of optimizing network routing and load distribution in a virtual private network, comprising:  
obtaining from a user device geographical coordinates of the user device;  
determining optimal network server for the user device based on the geographical coordinates; and  
connecting the user device to the virtual private network through the optimal network server. (Emphasis added.)
12. A virtual private network, comprising:  
a plurality of network servers; and  
an authentication server connected to the network servers, the authentication server having a virtual private network host executing thereon and configured to:  
receive from a user device geographical coordinates of the user device

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requesting access to the network servers;

determine an optimal network server for the user device based on the geographical coordinates; and

send identifying information for the optimal network server to the user device. (Emphasis added.)

In one embodiment, Applicants' invention is a method and apparatus of optimizing network routing and load distribution in a virtual private network comprising obtaining or receiving from a user device geographical coordinates of the user device. As a result the user device's geographical coordinates are known. (See Applicants' Specification, p. 6, II. 17-22.)

Tremblay fails to teach or to suggest a method or apparatus of optimizing network routing and load distribution in a virtual private network comprising obtaining or receiving from a user device geographical coordinates of the user device. In contrast, Tremblay clearly teaches that the location of the End User is identified by the location of the Internet Service Provider. (See Tremblay, para. [0051], emphasis added.) Thus, it is clear that Tremblay fails to teach the concept of a method or apparatus of optimizing network routing and load distribution in a virtual private network comprising obtaining or receiving from a user device geographical coordinates of the user device, as positively claimed by the Applicants' independent claims. Therefore, Tremblay fails to anticipate Applicants' independent claims 1 and 12.

Moreover, dependent claims 2-4, 6 and 13 depend, either directly or indirectly, from independent claims 1 and 12, respectively and recite additional limitations. As such, and for the exact same reason set forth above, the Applicants submit that claims 2-4, 6 and 13 are also patentable and not anticipated by Tremblay. As such, the Applicants respectfully request the rejection be withdrawn.

B. Claims 7, 8 and 9

The Examiner rejected claims 7, 8 and 9 as being anticipated by European Patent Application EP 1 302 869, published on April 16, 2003, hereinafter referred to as "Brescia." The Applicants respectfully traverse the rejection.

Brescia teaches a location based services provision. An application server runs a process implementing a content delivery service capable of determining a preferred

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address from which to request content for delivery to a mobile terminal. (See Brescia, col. 4, ll. 45-54.) The Application server accesses location information from a location server. (See *Id.* at ll. 55-58.)

The Examiner's attention is directed to the fact that Brescia fails to teach or suggest that a user device obtains geographical coordinates for the user device from the location reporting equipment connected to the user device and determines an optimal network server for the user device based on the geographical coordinates, as positively claimed by Applicants' independent claim 7. Specifically, Applicants' independent claim 7 recites:

7. A user device capable of automatically connecting to an optimal network server in a virtual private network, comprising:

location reporting equipment connected to the user device and configured to provide geographical coordinates for a location of the user device;

a central processing unit of the user device connected to the location reporting equipment; and

the storage unit storing a virtual private network client thereon that is capable of:

obtaining geographical coordinates for the user device from the location reporting equipment connected to the user device;

determining an optimal network server for the user device based on the geographical coordinates; and

connecting the user device to the virtual private network through the optimal network server. (Emphasis added)

In one embodiment, Applicants' invention is a user device capable of automatically connecting to an optimal network server in a virtual private network comprising a storage unit of the user device capable of obtaining geographical coordinates for the user device from the location reporting equipment connected to the user device and determining an optimal network server for the user device based on the geographical coordinates. As a result the user device's geographical coordinates are known. (See Applicants' Specification, p. 8, ll. 1-23; FIG. 3.)

Brescia teaches a location-based services provision. Unlike the Applicants' invention, Brescia teaches that location information is obtained from a location server. (See Brescia, col. 4, ll. 55-58.) Moreover, Brescia teaches that the application server determines which server to obtain the requested content from. (See Brescia, col. 4, ll.

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45-54.) In contrast, the Applicants' invention teaches that in an exemplary embodiment the user device obtains geographic coordinates and determines an optimal network server for the user device based on the geographical coordinates. Thus, it is clear that Brescia fails to teach the concept of a user device capable of automatically connecting to an optimal network server in a virtual private network comprising a storage unit of the user device capable of obtaining geographical coordinates for the user device from the location reporting equipment connected to the user device and determining an optimal network server for the user device based on the geographical coordinates, as positively claimed by the Applicants' independent claim 7. Therefore, Brescia fails to anticipate Applicants' independent claim 7.

Moreover, dependent claims 8 and 9 depend, either directly or indirectly, from independent claim 7 and recite additional limitations. As such, and for the exact same reason set forth above, the Applicants submit that claims 8 and 9 are also patentable and not anticipated by Brescia. As such, the Applicants respectfully request the rejection be withdrawn.

**II. REJECTION OF CLAIMS 5, 10, 11, AND 14 UNDER 35 U.S.C. § 103****A. Claim 5**

The Examiner has rejected claim 5 in the Office Action under 35 U.S.C. § 103 as being unpatentable over Tremblay in view of US Patent Publication 2002/0049842, published April 25, 2002, hereinafter referred to as "Huetsch." The rejection is respectfully traversed.

The teachings of Tremblay are discussed above. Huetsch teaches a load balancing method and system. (See Huetsch, Abstract.)

The Examiner's attention is directed to the fact that Tremblay and Huetsch, alone or in any permissible combination, fail to teach, show or suggest a method of optimizing network routing and load distribution in a virtual private network comprising obtaining from a user device geographical coordinates of the user device, as positively claimed by Applicants' amended independent claim 1. (See *Supra*).

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As discussed above, Tremblay clearly does not teach, show or suggest a method of operating an edge switch comprising obtaining from a user device geographical coordinates of the user device as positively claimed by Applicants' independent claim 1. Moreover, Huetsch fails to bridge the substantial gap left by Tremblay. Huetsch only teaches a method and system for load balancing. (See Huetsch, Abstract.) As such, the combination of Tremblay and Huetsch does not teach, show or suggest Applicants' invention as recited in independent claim 1.

Dependent claim 5 depends from independent claim 1 and recites additional limitations. As such, and for the exact same reasons set forth above, the Applicants submit that claim 5 is also not made obvious by the teachings of Tremblay and Huetsch. Therefore, the Applicants respectfully request the rejection be withdrawn.

**B. Claims 10 and 11**

The Examiner has rejected claims 10 and 11 in the Office Action under 35 U.S.C. § 103 as being unpatentable over Brescia in view of Tremblay. The rejection is respectfully traversed.

The teachings of Brescia and Tremblay are discussed above.

The Examiner's attention is directed to the fact that Brescia and Tremblay, alone or in any permissible combination, fail to teach or suggest that a user device obtains geographical coordinates for the user device from the location reporting equipment connected to the user device and determines an optimal network server for the user device based on the geographical coordinates, as positively claimed by Applicants' independent claim 7. (See *Supra*).

As discussed above, Brescia fails to teach the concept of a user device capable of automatically connecting to an optimal network server in a virtual private network comprising a storage unit of the user device capable of obtaining geographical coordinates for the user device from the location reporting equipment connected to the user device and determining an optimal network server for the user device based on the geographical coordinates, as positively claimed by the Applicants' independent claim 7. Moreover, Tremblay fails to bridge the substantial gap left by Brescia. As discussed, Tremblay only teaches that the location of the End User is identified by the location of

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the Internet Service Provider. As such, the combination of Brescia and Tremblay does not teach, show or suggest Applicants' invention as recited in independent claim 7.

Dependent claims 10 and 11 depend from independent claim 7 and recite additional limitations. As such, and for the exact same reasons set forth above, the Applicants submit that claims 10 and 11 are also not made obvious by the teachings of Brescia and Tremblay. Therefore, the Applicants respectfully request the rejection be withdrawn.

#### C. Claim 14

The Examiner has rejected claim 14 in the Office Action under 35 U.S.C. § 103 as being unpatentable over Tremblay and further in view of Dunk (US patent application publication 2004/0264465, published December 30, 2004). The rejection is respectfully traversed.

The teachings of Tremblay are discussed above. Dunk teaches a data transfer system that uses tunnel servers to facilitate communication between a host computer and a wireless device. (See Dunk, Abstract)

The Examiner's attention is directed to the fact that Tremblay and Dunk, alone or in any permissible combination, fail to teach, show or suggest a method of optimizing network routing and load distribution in a virtual private network comprising obtaining from a user device geographical coordinates of the user device, as positively claimed by Applicants' amended independent claim 12. (See *Supra*).

As discussed above, Tremblay clearly does not teach, show or suggest a method of operating an edge switch comprising obtaining from a user device geographical coordinates of the user device as positively claimed by Applicants' independent claim 12. Moreover, Dunk fails to bridge the substantial gap left by Tremblay. Dunk only teaches a data transfer system that uses tunnel servers to facilitate communication between a host computer and a wireless device. As such, the combination of Tremblay and Dunk does not teach, show or suggest Applicants' invention as recited in independent claim 12.

Dependent claim 14 depends from independent claim 12 and recites additional limitations. As such, and for the exact same reasons set forth above, the Applicants

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submit that claim 14 is also not made obvious by the teachings of Tremblay and Dunk. Therefore, the Applicants respectfully request the rejection be withdrawn.

**CONCLUSION**

Thus, the Applicants submit that all of these claims now fully satisfy the requirements of 35 U.S.C. §§102 and 103. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully Submitted,

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